



**PATENT APPLICATION**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Takeshi TAKAHASHI et al.

Group Art Unit: 1745

Application No.: 10/806,206

Examiner: R. HODGE

Filed: March 23, 2004

Docket No.: 119201

For: POSITIVE ELECTRODE ACTIVE MATERIAL FOR NONAQUEOUS  
ELECTROLYTE SECONDARY BATTERY AND NONAQUEOUS ELECTROLYTE  
SECONDARY BATTERY

**RESPONSE TO ELECTION OF SPECIES REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In reply to the August 6, 2007 Election of Species Requirement, Applicants provisionally elect zirconium as a surface element species, with traverse. At least claims 1, 2, 5-8, 11-14, 17, and 18 read on the elected species. At least claim 1 is generic to all species.

Applicants traverse the election of species requirement on the ground that the generic claims are not so broad as to place an undue burden on the Patent Office to search and examine the full scope of the claims. Rather, Applicants respectfully assert that search and examination of the entire application could be conducted without undue burden on the Examiner, thus avoiding delay and expense to Applicants.

Applicants further understand, however, that upon search, examination, and allowance of the elected species, search and examination will continue as to the non-elected species within the scope of the generic claims.

Thus, withdrawal of the Election of Species Requirement is respectfully requested.

Respectfully submitted,



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JAO:JRB

Date: September 6, 2007

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